**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH**
**AT HYDERABAD**
(ORIGINAL JURISDICTION)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR
: PRESENT :
**THE HON'BLE MR. JUSTICE : V. ESWARAIAH.**
CONTEMPT CASE No. 914 of 2004

(Contempt Case under Section 10 to 12 of Contempt of Courts Act to punish the Respondents herein for violating the orders of this Court dated 26-12-2003 passed in
W.P.M.P. No. 34073 of 2003 in W.P. No. 26906 of 2003.

**Between:**

G. Kasulamma.

.. PETITIONER

**AND**

1. Sri K.S. Jawhar Reddy, District Collector,
   East Godavari District, Kakinada.
2. S.R. Dass, Chief Conservator of Forests,
   A.P., Hyderabad.
3. Sub Treasury Officer, Gopalapuram,
   West Godavari District.
   **(3rd respondent is not a necessary party)**

.. RESPONDENTS

This Contempt case coming on for hearing and upon perusing the Case and Affidavit filed herein and the order of the High Court dated: 29-07-2004and made herein and upon hearing the arguments of Mr. Philkhana Rama Rao, Advocate for petitioner and the Govt. Pleader for Forest, for the respondents, the Court made the following.

ORDER:

**" It is specifically stated by the petitioner that the petitioner was getting family pension at the rate of Rs. 2,620/- per month from 1999-2000, and the same was paid upto December-2001 and subsequently it was enhances to Rs. 5,825/- per month and paid upto April-2002. Thereafter, it was stopped from May-2002 onwards. Aggrieved by the same, the petitioner filed W.P. No. 26906 of 2003 before this Court.**

**This Court by order, dated 26-12-2003, directed the respondents to continue to pay the petitioner's family pension and also arrears due from May 2002, pending disposal of W.P. No. 26906 of 2003.**

**The 2nd respondent – Chief Conservator of Forests, A.P., Hyderabad filed counter stating that pursuant to the interim direction granted by this Court, anticipatory family pension was sanctioned by the Chief Conservator of Forests, vide proceedings in Ref. No. 12529/2001/Y1, dated 11-8-2004 granting anticipatory family pension from the date the Accountant General has stopped payment of family pension, till the conclusion of the disciplinary proceedings.**

**The order passed by the 2nd respondent, dated 11-8-2004 shows that the family pension of the petitioner at the rate of Rs. 2,621/- from 19-9-2000 to December-2001 and subsequently it was enhanced to Rs. 5,025/- and the same was paid upto April-2002. The said enhancement pension at the rate of Rs. 5,025/- which was paid upto April-2002 is not denied in the counter. The**

**anticipatory pension at the rate of Rs. 2,621/- was restored pending disciplinary proceedings.**

**In the absence of any specific service Rules, the respondents can not continue the disciplinary proceedings against the husband of the petitioner. The Rules do not confer any rights on the respondents to continue the disciplinary proceedings. However this issue has to be decided in the Writ Petition.**

**In view of the facts and circumstances of the case, I am inclined to hear the Writ Petition at on early date.**

**Contd..**



**The learned G.P. shall produce the records and the relevant service Rules and argue the matter on 22-11-2004.**

**Post the C.C. along with W.P. No. 26906/03 for hearing. In the meanwhile, the respondents cannot withheld the anticipatory pension, which has been sanctioned pursuant to the order, dated 11-8-2004 of the 2nd respondent and shall pay the said amount to the petitioner forthwith.**

**Post on 22-11-2004. ”**

DEPUTY REGISTRAR

//TRUE COPY//

for SECTION OFFICER

To

1. Sri K.S. Jawhar Reddy, District Collector, East Godavari District, Kakinada. **(By Speed Post along with a copy of petition and affidavit)**
2. S.R. Dass, Chief Conservator of Forests, A.P., Hyderabad. **(By Special Messenger along with a copy of petition and affidavit)**
3. Two CCs to Govt. Pleader for Forests, High Court of A.P., Hyderabad. **(By Special Messenger along with a copy of petition and affidavit)**
4. **One spare copy.**

**USR**

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HIGH COURT

**VEJ**

**DATED : 01-11-2004**

**Note : Post on 22-11-2004 along with**
**W.P. No. 26906 of 2003 for hearing**

**ORDER**

**C.C. No. 914 of 2004**

**DIRECTION.**

HIGH COURT

**Drafted By : USR**
**Drafted On : 03-11-2004**

**VEJ**

**DATED : 01-11-2004**

**Note : Post on 22-11-2004 along with**
**W.P. No. 26906 of 2003 for hearing**

**ORDER**

**C.C. No. 914 of 2004**

**DIRECTION.**